

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN WILEY & SONS, INC.,	:	
Plaintiff,	:	
	:	1:11-CV-05454-KPF
v.	:	
	:	ECF Case
DRK PHOTO, a sole proprietorship,	:	
	:	
Defendant.	:	
-----	:	
DRK PHOTO, a sole proprietorship,	:	
Counterclaimant,	:	
	:	
v.	:	
	:	
JOHN WILEY & SONS, INC.	:	
	:	
Counterdefendant.	:	
-----	:	

SECOND DECLARATION OF AUTUMN WITT BOYD

I, Autumn Witt Boyd, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney employed by Harmon & Seidman LLC, counsel for Defendant and Counter-claimant DRK Photo (“DRK”). I have personal knowledge of the matters herein and if called upon could testify to them.
2. Among the documents John Wiley & Sons, Inc. (“Wiley”) has produced in the course of discovery in this case are reports from Wiley databases detailing its printings of publications related to claims in suit. One of those reports is a document Bates numbered WDRKNY 0000007 (“Print Run Report”).
3. DRK is using the Print Run Report as an exhibit in support of the Motion, attached as

Exhibit B.¹ This report also details Wiley's printings of publications in various electronic media.

4. Among the documents Pearson has produced in the course of discovery in this case are reports showing the geographic distribution of publications in suit. Among those reports are documents Bates numbered WDRKNY 0000004 ("Geographic Distribution Report").

5. GHPI is using the Geographic Distribution Report as an exhibit in support of the Motion, attached as Exhibit C.²

6. Exhibit A³ is a summary report created at my direction that contains true and correct data from Exhibits B and C. Exhibit A identifies some of Pearson's uses beyond license limits in red type.

7. On April 8, 2013, DRK deposed Ryan Flahive on behalf of Wiley pursuant to Fed. R. Civ. P. 30(b)(6). A true and correct copy of relevant excerpts from the transcript of his deposition is attached hereto as Exhibit D.

8. On June 5, 2013, DRK deposed Maryann Price on behalf of Wiley pursuant to Fed. R. Civ. P. 30(b)(6). A true and correct copy of relevant excerpts from the transcript of his deposition is attached hereto as Exhibit E.

9. On June 19, 2012, DRK deposed Maryann Price on behalf of Wiley pursuant to Fed. R. Civ. P. 30(b)(6) in a parallel arbitration proceeding, *DRK Photo v. John Wiley & Sons, Inc.*, AAA No. 76 143 00193 11. A true and correct copy of relevant excerpts from the transcript of his deposition is attached hereto as Exhibit F.

10. Exhibit G is a true and correct copy of Wiley's responses to DRK's requests for

¹ Because there is a dispute regarding the confidentiality of these documents, they have been submitted to the Court for review in accordance with the Protective Order in this case (Doc. 43).

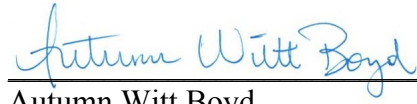
² Because there is a dispute regarding the confidentiality of these documents, they have been submitted to the Court for review in accordance with the Protective Order in this case (Doc. 43).

³ Because there is a dispute regarding the confidentiality of these documents, they have been submitted to the Court for review in accordance with the Protective Order in this case (Doc. 43).

admission in this matter.

11. Exhibit H is a list of at least 15 copyright infringement cases that have been filed against Wiley.

I declare under penalty of perjury that the foregoing is true and correct.


Autumn Witt Boyd

DATE: 6/28/13